

CITY OF LEON VALLEY



CITY COUNCIL SPECIAL MEETING

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Tuesday, May 20, 2014

MINUTES

The City Council of the City of Leon Valley, Texas met on the 14th day of April 2014 at 6:00 p.m. at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business.

PRESENTATIONS AND CEREMONIAL ITEMS – 6:00 P.M.

Mayor Chris Riley called this portion of tonight's meeting to order at 6:10 p.m.

Proclamation declaring May 6th Big Give S.A. Day.

Mayor Riley introduced a program brought to her attention by a gentleman named John Burnham called *The Big Give S.A.* The purpose of this community-wide challenge is to increase public awareness of the impact local nonprofits make in addressing community challenges; bringing nonprofits and volunteers together. This event is part of the national day of giving called Give Local America; therefore, Mayor Riley read aloud a proclamation declaring May 6th Big Give S.A. Day.

Mayor Riley introduced program directors Brenda Knowles and Mary Fuentes-Valdez of Youth Transitioning into Adulthood (YTIA) which is a nonprofit organization geared at preparing youth in foster care to enter into the "real world". Their goal is to raise \$100,000 to help these children succeed.

Mayor Riley then introduced Juan Medina from the Texas Diaper Bank, also a nonprofit organization. Mr. Medina said that this organization diapers about 5000 babies from San Antonio and the surrounding areas annually.

Mayor Riley also mentioned Leroy Jacobson, Director of Campus Life at Marshall and Pat Neff, for his service. Mr. Jacobson was not in attendance this evening.

Both organizations that were present were presented a proclamation.

Proclamation to the SST-Discovery Science Olympiad team for earning twenty (20) gold, six (6) silver and four (4) bronze medals in the Stephenville Regional Science Olympiad.

Mayor Riley presented a proclamation recognizing achievement and introduced Mr. Mugire Ayci of the School of Science and Technology (SST). Mr. Ayci spoke of the accomplishments of his students in winning twenty (20) gold, six (6) silver and four (4) bronze medals in the recent Stephenville Regional Science Olympiad. Student Zaine Hassounah came to the podium to express her gratitude to Mr. Ayci for all he has done for her and her fellow classmates. Mr. Ayci and Mayor Riley then called up the following students to be recognized: Seana Barclay, Gabriel Casanova, Zaine Hassounah, Alexander Gavaghan, Ismael Albarati, Nicole Hernandez, Sadiqua Hassan, Andrea Negro, Ray Bernal, Dominique Pena, Amel Juini, Remy Freeman, David Hefner, Laura Gonzalez and Anthony Coronado.

Presentation by staff of the Edwards Aquifer Authority regarding water conservation initiatives for Bexar County and the Region. (Mayor Riley)

Mayor Riley announced that this item would not be discussed this evening but would be placed on the next meeting agenda.

Leon Valley Historical Society 2013 annual report. (Leon Valley Historical Society President, Mark Eisenhower)

Mayor Riley introduced Mark Eisenhower, President of the Leon Valley Historical Society (LVHS), to present the Leon Valley Historical Society's 2013 annual report. Mr. Eisenhower apologized for not being prepared and passed the presentation over to Darby Riley who presented the 9th annual report on the Historical Society's stewardship of the 36-acre natural area. The presentation showed students from Northwest Vista College searching for fossils and artifacts in the creek. Mr. Riley said the LVHS had a busy year with the following: maintenance and clean-up of the area was performed which was necessary due to heavy rains; assisted with expansions of the fire break; participated in the Earthwise Living event; and held discussions on the hike & bike trails. Mr. Riley reported that what the LVHS would like to do in their tenth year of the lease is to continue to try to develop a long term partnership agreement with the City; promote a quarterly series of educational tours of the property that we can try to advertise so people would come out in the morning to look at birds, geology, etc.; hold another Homestead Under the Stars event. Mr. Riley added that the LVHS received two (2) grants last week totaling \$25,000, which will help with the matching of the \$30,000 grant from the Huebner Family. Mr. Riley said he was certain they would meet that match later this month enabling them to move forward with the replacement of the porch. There will also be a 5k run/walk in November.

Councilman Diaz congratulated the Historical Society on the Homestead Under the Stars event adding that he attended and enjoyed it very much.

Mayor Riley adjourned this portion of tonight's meeting at 6:40 p.m. and the Council took a twenty (20) minute recess.

REGULAR CITY COUNCIL MEETING – 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:02 p.m. and asked that the minutes reflect that all of the members of City Council were present: Council Members Art Reyna, Ricardo Ruiz, Jack Dean, Abraham Diaz, and Paul Biever.

City Manager Manuel Longoria, Jr., City Secretary Saundra Passailaigue, Human Resources Director Crystal Caldera, Fire Chief Luis Valdez, Police Chief Randall Wallace, Economic Development Director Claudia Mora, Director of Public Works Melinda Moritz, Assistant Public Works Director David Dimaline, and Community Development Director Kristie Flores were also present.

Mayor Riley asked Mr. Karl Riemann of 7411 Belmont Place to lead the Pledge of Allegiance.

Mayor Riley then read aloud the recently approved rules on citizens to be heard as adopted by City Council in January of this year.

Affirming by Ordinance No. 14-01, the City Manager selection of Saundra Passailaigue as the City of Leon Valley City Secretary. M&C 04-01-14 (Longoria)

City Manager Longoria introduced Saundra Passailaigue and gave a brief background on her to the Council and guests. Ms. Passailaigue is the first certified municipal clerk the City of Leon Valley has ever had, and she brings a lot of experience to the City.

A motion was made by Councilman Dean, seconded by Councilman Reyna, to confirm City Manager Longoria's selection of Saundra Passailaigue as City Secretary of the City of Leon Valley, Texas. Upon a unanimous vote, Mayor Riley announced the motion carried and was approved.

Citizens to be heard and time for objections to the Consent Agenda.

Councilman Biever requested that Item 11 of tonight's agenda be pulled for discussion.

Mayor Riley then went on to citizens to be heard.

- Elizabeth Maloy – 7411 Chenal Pt. – spoke on the City of Leon Valley becoming a Home Rule City and request the question, "shall a commission be chosen to frame a new charter" to be placed on the next City Council agenda for LGC Title 2, Chapter 9 § 9.002.

- Karl Riemann – 7411 Belmont Pl. – Encouraged the members of City Council to do their homework and ask questions.
- Patricia Manea – 6103 Britania Ct. – Asked that the members of City Council accept applicants of boards/commissions/committees when they receive them, and keep personal interests out of the decision making process.
- Irene Baldrige – 6368 Parsley Hill – spoke in opposition to the presentations and ceremonial items being held at 6:00 p.m. and asked City Council to reconsider holding these items at the regular time.
- Pat Martinez – 6319 Rue Sophie – deferred comments to Item 11.
- Rita Burnside – 6938 Forest Way – deferred comments to Item 11
- Lyn Joseph – 6423 Trotter Ln. – requested information on when the new DPS facility would be complete.
 - *As allowed by Attorney General Opinion JC 0169, City Manager Longoria provided a factual response stating that 95% of the work the contractor was to perform had been done according to the engineering report he received about a year ago. Mr. Longoria and the Public Works Director are currently working with TxDOT to upgrade and improve the signal light.*
- Olen Yarnell – 7230 Sulky Ln. – distributed letters to each member of City Council in regards to the hike & bike trails and asked for a timely response. Mr. Yarnell also questioned the minutes from March 2014 where “citizen comments were suspended” and asked for clarification on this.
 - City Attorney Zech responded that the issue is that the decision making by each individual Council member as to the reason they vote the way they did, and I can’t read their minds, so I don’t know why they voted the way they did. This is my observation and my observation only: last meeting, there was no question about what the ordinance said; nobody asked me whether or not it was appropriate or not under the ordinance. Actually, I don’t even think I realized the ordinance discussed this specifically, so we refer to the rules of Robert’s Rules of Order which does allow for a suspension of the rules for purposes of certain items. Tonight, specifically, the Mayor asked me, “can we do that?” and I said, “I don’t know, do we have an ordinance?” I questioned it and apparently we do as it was provided to me, I read it. The ordinance did not provide for an allowance of suspending the rules for agenda items but it does allow for giving more time on high volume of things under *Citizens to be Heard* which is what we are talking about now. So I may or may not have given the same rule at last month’s meeting but that’s probably the reason why, but again, that is just my observation. Generally speaking, under what the ordinance says is that it can allow for more time when there is a high volume for citizens to be heard but the ordinance does not have the same language for an agenda item. According to the ordinance in place, it can be done for certain for certain things under *Citizens*

to be Heard but not for an agenda item and from my recollection, it was for *Citizens to be Heard* at the last meeting. If the Council wishes to change this, we would need to bring back another ordinance to amend the current ordinance. .

- Pedro Esquivel – 7207 Forest Meadows – deferred comments to Item 11.

CONSENT AGENDA

Approval of the March 10, 2014 City Council Regular Meeting Minutes. (Caldera)

Approval of the March 8, 2014 Coffee with the Mayor & City Council Minutes. (Caldera)

Approval of the rescheduling of the May 10, 2014 Coffee with the Mayor & City Council, due to the City of Leon Valley's General Election being held on this day. The meeting will be rescheduled to Saturday, May 17, 2014 M&C 04-02-01. (Requested by Councilman Art Reyna and Councilman Jack Dean)

A motion was made by Councilman Reyna, seconded by Councilman Dean, to approve the Consent Agenda items as listed above. Upon a unanimous vote, Mayor Riley announced the motion carried and all listed Consent Agenda items were approved.

REGULAR AGENDA

Approval of M&C 04-03-14 to waive all fees associated with the rental of the Leon Valley Conference Center located at 6427 Evers Road to the League of Women Voters to host a meet the candidate forum on Thursday, April 24, 2014 at 7:00 p.m. (League President, Phyllis Ingram)

Mayor Riley introduced the item and invited Ms. Phyllis Ingram, President of the League of Women Voters, to the podium. Ms. Ingram began by saying that the League of Women Voters is a non-partisan, non-political organization that encourages active and informed participation in government. In the past, the candidate forum was held at the Leon Valley Library but that is no longer an option; and therefore, they are asking to hold it at the Leon Valley Conference Center, and are asking the City Council to waive the rental fee associated with its use.

This item was followed by Council discussion, followed by Mayor Riley calling upon the citizens that previously signed up to speak on this item.

- Rita Burnside – 6938 Forest Way – spoke in favor of waiving the fee.
- Pedro Esquivel – 7207 Forest Meadows – spoke in favor of waiving the fee but also suggested that City Council consider a policy on how to place limits on what groups would be eligible for a waiver.
- Albert Uvietta – 6923 Sunlight Dr. – spoke in favor of waiving the fee.

- Benny Martinez – 6319 Rue Sophie – spoke in favor of the event being held at the Leon Valley Library and in favor of waiving the fee.
- Patricia Manea – 6103 Britania Ct. – questioned how she would be able to submit her questions for the candidate forum while she is out of town; asking for a means of submitting questions and to whom be communicated. Ms. Manea also spoke in regards to a need for a policy on how events such as this are handled.
 - Mr. Longoria suggested that since this is a League of Women Voters event Ms. Manea submit her questions directly to them and not the City since it is not a City event.

Councilman Reyna suggested that the waiver issue come back at the next Council meeting. Councilman Reyna also said that the Chamber had also offered to host the event. Mr. Joe Maldonado, President of the Leon Valley Area Chamber was in attendance and Mayor Riley invited him to the podium. Mr. Maldonado stated that the Chamber would like to work with the League of Women Voters to host the event. Ms. Ingram said she would be happy to work with the Chamber as well.

A motion was made by Councilman Biever, seconded by Councilman Reyna, to waive the fees conditioned upon the League of Women Voters working with the Leon Valley Area Chamber of Commerce to provide a joint candidates forum. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider Amendments to the City's Zoning Regulations with a Public Hearing and Attached Ordinance No. 14-02, related to the regulation of non-chartered financial institutions. M&C 04-04-14 (Flores)

Community Development Director Kristie Flores stated that this is an item in consideration of amending the zoning ordinance regulations on non-chartered financial institutions. Last year, a ninety (90) day moratorium was placed on institutions such as car title institutions, pay day loans, and check cashing businesses; and as of March 18th that moratorium had expired. During the moratorium, staff was to research, draft and bring back to City Council an ordinance to regulate these types of businesses. The proposed ordinance includes definitions, distance regulations and signage regulations on these types of businesses. The permitted use table was also amended. Zoning Commission Chairman Claude Guerra also spoke in regards to this item.

Mayor Riley opened the Public Hearing at 8:10 p.m.

There being no further comments from the public, Mayor Riley closed the Public Hearing at 8:10 p.m.

A motion was made by Councilman Biever, seconded by Councilman Ruiz, to adopt Ordinance No. 14-02 to include the recommendations by the Zoning Commission regarding the home

mortgages and home equity. Upon a unanimous vote, Mayor Riley announced the motion carried.

A Public Hearing, first reading, and consideration of Resolution No. 14-01R approving the contribution (expenditure) of \$15,000 from the Leon Valley Economic Development Corporation (LVEDC) for the LVEDC co-sponsorship of the Leon Valley 4th of July Celebration and Fall Jazz Festival. M&C 04-05-14 (Mora)

Economic Development Director Claudia Mora presented the item stating that this is the first public hearing and first reading as required by Charter. The second public hearing and reading are scheduled for May 12, 2014 where the City Council will vote on the resolution.

The requested \$15,000 will be used for co-sponsorship of the July 4th Celebration and the Fall Jazz Festival, with \$5000 being used equally, (\$2500 for the Jazz Festival and \$2500 for the July 4th Celebration) to pay for advertisements through Clear Channel Communications. The balance of \$10,000 will primarily be used to take care of management items for the 4th of July Celebration. Such as project management and consultants fees. Mayor Riley opened the Public Hearing at 8:17 p.m.

- Betty Elmer – 7115 Larksong – asked how the Leon Valley Economic Development Corporation (LVEDC) is funded.
 - Ms. Mora responded to the question by stating that the LVEDC is funded through sales tax (1% of 1/8 of the sales tax). The City of Leon Valley's LVEDC has been averaging about \$200,000 annually, and we are currently seeing an increase of about 14% sales tax.

There being no further comments from the public, Mayor Riley closed the Public Hearing at 8:21 p.m.

Presentation by City Staff of the policy concerning the one Regular Business City Council Meeting six-month trial period. M&C 04-06-14 (Caldera)

Human Resources Director Crystal Caldera presented this item. Ms. Caldera stated that in September of 2013, City Council approved Ordinance No. 2013-09-17-10 which amended the Regular City Council meetings from twice a month to once a month, as well as established the monthly Coffee with the Mayor and City Council. At that time, staff was directed to bring back to Council a six-month review indicating meeting length, number of agenda items and attendance between the twice-monthly and the once-monthly meetings. Ms. Caldera's presentation indicated that during the last six-months and having only one meeting a month, the length of the meetings did not change. Agenda items also averaged about the same with around twenty (20) items per agenda. Attendance did increase slightly.

This was item was followed by Council discussion, followed by Mayor Riley calling upon the citizens that previously signed up to speak on this item.

- Pedro Esquivel – 7207 Forest Meadows – spoke in favor of going back to two meetings per month.
- Benny Martinez – 6319 Rue Sophie – spoke in favor of going back to two meetings per month.
- Olen Yarnell – 7230 Sulky Ln. – spoke in favor of going back to two meetings per month and to continue with the Coffee with the Mayor and Council.
- Elizabeth Maloy – 7411 Chenal Pt. – spoke in favor of going back to two meetings per month.
- Patricia Manea – 6103 Britania Ct. – spoke in favor of going back to two meetings per month.
- Carmen Sanchez – 7306 Ellerby Pt. - spoke in favor of going back to two meetings per month.

Discussion and possible action on the operation of the Leon Valley Community Pool.
M&C 04-07-14 (Dimaline)

Assistant Public Works Director David Dimaline presented this item. Mr. Dimaline reported the following: The pool revenue for 2013 was \$13,603 with expenditures of \$16,239; forty-three (43) memberships (family & individual), six-hundred-sixty-four (664) walk-ins averaging about nine (9) per day and six (6) party rentals. It was reported last month that there were some repairs needed in the amount of \$24,000 for which a request for bids was advertised for. Twenty-five (25) firms were contacted, and site visits were provided. The City received six (6) bids with a low bid of \$36,027 coming in from Aquatica Pool Management, Inc. out of San Antonio. This bid included an opening of Memorial Day to Labor Day, three (3) lifeguards and the responsibility of maintaining water quality and logging three (3) times daily, collecting fees and monitoring membership. There is a proposed schedule of being closed Sunday and Monday, Tuesday through Thursday being open from 10:00 a.m. – 7:00 p.m. and Friday and Saturday open from 10:00 a.m. – 8:00 p.m.

Mr. Dimaline conveyed that the recommendation from the Park Commission is that the City Council consider an alternate use of the pool resulting in closure of the pool, and that the land would be better put to use as a splash pad with other playground type equipment.

Mr. Dimaline added that an online survey had been made available on the City's website and that survey consisted of nine (9) questions. The survey was posted from March 15, 2014 through April 4, 2014. A total of one-hundred-sixty-four (164) responses with sixty-three percent (63%) being actual users of the pool. The results of the survey indicate the following:

On a scale of 1-10 with 10 being very important, how important to you is the pool? Rating of 7

If the pool was removed, what feature(s) would you like to see?

44% - splash pad; 26% - pavilion; 22% - basketball court; 26% - picnic area; and 19% - skate park.

If the pool remained open, what improvements would you like to see?

7 – more affordable; 16 – better management; 13 – better upkeep; 26 – improvements to facilities; 9 – no changes; 6 – longer hours; and 14 – other (more space, close the pool, more children activities)

Mr. Dimaline concluded by presenting two options: Option 1 – open the pool and contract with Aquatica, Inc. A budget adjustment of \$56,527 would be required. Option 2 – Implement the Park Commission's recommendation. City Council would be able to take action on this at the May 12th Regular meeting.

This item was followed by Council discussion, followed by Mayor Riley calling upon the citizens that previously signed up to speak on this item.

- Lori Kelly – 6615 N. Forest Bend – read a letter from Tom Kelly.
- Benny Martinez – 6319 Rue Sophie – spoke in favor operating the pool in the same manner as the park and not use an outside company.
- Pedro Esquivel – 7207 Forest Meadows – spoke in favor of keeping the pool and charging a minimal fee and be self-sustaining.
- Olen Yarnell – 7230 Sulky Ln. – asked if the Council could take action on this item tonight and also questioned the timing of this issue being so close to opening day.
- Carolyn Gabriel – 6014 N. Forest Bend – spoke in opposition of the poll and the questions on the poll and also asked that the word be put out that the pool is open and maybe this would help increase membership. Ms. Gabriel also expressed her opposition to the proposed operational hours.
- Carmen Sanchez – 7306 Ellerby Pt. – mentioned the possibility of grant revenue to help offset the cost of repairs and maintenance of the pool.
- Rebecca Cooley – 6619 Cherryleaf Dr. – presented a slide show of the swim team.
- Brigid Cooley – 6619 Cherryleaf Dr. – thanked members of City Council for listening to the children of Leon Valley on this pool issue.

Councilman Reyna expressed concerns with the quote on repairs and asked that staff look into other options with a goal of reducing projected expenses.

Councilman Diaz thanked Miss. Brigid Cooley for speaking on this item and also asked that staff look into the code mentioned in Mr. Kelly's letter to get more information.

Councilman Dean informed those in attendance that the City Council as well as staff do want the pool to open and will do whatever it takes to make it happen in time.

Mayor Riley said we need to find someone locally to manage the pool.

A motion was made by Councilman Reyna that the City Manager gather the information discussed tonight as the information we want that has been recommended from the two CPO's represented here today, and that it be presented back to Council on May 12th, which includes our own expert to tell us if the \$24,000 is needed, with the numbers we need to determine when the pool opens, do we allow people to have it for free, do we have charge, and any other factor that will be a factor in helping Council make an intelligent decision. Upon a unanimous vote, Mayor Riley announced the motion carried.

There being no second to the motion, Councilman Reyna withdrew his motion.

A motion was made by Councilman Biever, seconded by Councilman Reyna, to instruct the City Manager to bring back to the next City Council meeting the material we need to make a financially responsible decision about opening the pool. Upon a unanimous vote, Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Presentation and report by Waters Consulting on City of Leon Valley Personnel Compensation Study. M&C 04-08-14 (Consultant Linda Wishard)

Human Resources Director Caldera asked that this item be postponed to the next Council meeting due to a scheduling conflict.

City Manager's Report.

- a) Capital Facilities Monthly Report**
- b) Update on the MPO Evers Road Grant**
- c) \$100,000 accounting on the Park improvements**
- d) Monthly Departmental Reports**
- e) Approved Minutes from Boards, Commission and Committees**
- f) City Employee news and updates**
- g) Future Agenda Items:**
 - Consideration and approval of the 2014 updated Strategic Plan.**
 - An ordinance amending the City Code regarding regulations of boarders, commercial businesses and vehicles in R-1 zoning districts.**

City Manager Manuel Longoria, Jr. reported on the following: A) The project is on schedule with the plumbing and electrical rough-in being completed with the expectation of the foundation being poured by the end of the month. Mr. Longoria added that the biggest expenditure to the project to date is the design which is \$377,117 but the construction cost is set at \$6,736,460. The whole project is at \$7,367,144. On the fire station lots Mayor, you will see that we budgeted \$55,000 and the actual expense was \$56,785. Primarily the purchase of the lots was \$54,000 but we had some closing costs that were incorporated as a part of that so basically we came in a little over the budget. Mr. Longoria wanted Council to be aware that

they should start seeing some of that money being expended. B) The City applied for a \$1.5 million dollar MPO grant to which there were fifty-six (56) applicants total and unfortunately, Leon Valley was not a selected recipient. Mayor Riley asked City Manager Longoria how many lanes Evers Road would be once this project was complete and Mr. Longoria replied that the conceptual plan that Council approved indicated that Evers Road would remain four (4) lanes resurfaced. C) Public Works Director Moritz reported that Park improvements have begun with: the replacement of picnic table tops that are "vandal resistant", the large barbeque pit was fine and did not need repairs, additional ADA picnic tables will be installed, more soft-fall mulch was added to the playground, removed unsafe slides, sun covers will be installed over the children's area, placement of benches at the tennis and basketball courts, enlargement of one of the basketball courts, and then resurfacing the basketball and tennis courts. The budgeted amount for this is \$100,000, but Ms. Smith said she is still getting estimates and feels there could be some savings for most of this work by using staff to do the work.

Citizens to be heard.

- Olen Yarnell – 7230 Sulky Ln. – asked that someone look into improving the microphone/audio system in Chambers.

Announcements by the Mayor and Council Members.

City Attorney Zech informed the City Council and staff of the 2014 Hog Wild event being held on May 23, 2014.

Councilman Diaz asked that our new IT staff do more on Facebook, website and other social media to get information out to citizens in a timely manner. Councilman Diaz also recognized the Leon Valley Fire Department for representing the City of Leon Valley for an outstanding performance in the recent Tower Climb. Two of the LVFD team came in top five and one, Mr. Ramiro Cano, came in at Third Place, missing it by four (4) seconds. Gabriel Nerio came in at Fifth Place and Andy Patterson at Tenth Place. This climb was done in full gear, weighing sixty (60) pounds.

Councilman Biever mentioned that he handed out thirty (30) Leon Valley Fiesta medals at Oyster Bake and that everyone has complemented on how great they look.

Mayor Riley expressed concerns brought to her attention regarding some code enforcement issues that she would like to see resolved.

Executive Session.

There was no Executive Session this evening.

Adjourn

Hearing no further business, a motion was made by Councilman Dean, seconded by Councilman Diaz, to adjourn the meeting. Mayor Riley announced the meeting adjourned at 10:15 p.m.

APPROVED

Chris Riley

CHRIS RILEY
MAYOR

ATTEST:

Sandra Passailaigue

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

